

REMARKS

The undersigned wishes to thank the Examiner for participating in a telephonic interview on October 12, 2005. During the telephonic interview, the discussion was directed at including means plus function language in independent claim 1 to thereby provide the claims with structure for connecting the handle to a main body of the recited convertible luggage device as well as for mounting the first pair of wheels to the main body. Amending both the specification and the drawings to address the relative position of the wheels in extended and retracted positions was also discussed.

By this paper, claims 1, 3, 5, 19 and 22 were amended. Claims 1-7, 12-15 and 17-25 remain pending.

In the outstanding Office action dated September 26, 2005, the drawings were objected to under 37 CFR 1.83(a). As was agreed to during the October 12, 2005 telephonic interview, Applicant has amended the drawings to highlight the relative distance of the wheels from the side when in a first retracted position and a second extended position. As such, it is believed that the objections to the drawings has been traversed.

Moreover, in the outstanding Office action, the specification was objected to for failing to provide proper antecedent basis for claimed subject matter. In particular, the Examiner indicated that there didn't appear to be any description in the specification for the relationship shown in Fig. 8 of a first pair of wheels being extended and positioned further from a long side of the body than when in a first retracted position. Again, as was agreed during the telephonic interview, Applicant has amended the specification to more clearly provide a description of such a relationship and as such, it is believed that the objection to the specification has now been traversed.

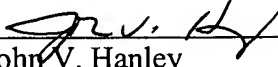
Finally, claims 1-7, 12-15 and 17-25 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. More specifically, claims 3 and 19 were identified as lacking sufficient antecedent basis for the recitation of "the handle assembly" and claim 5 was identified as lacking proper antecedent basis for the recitation of "the pivoting handle." In response thereto, Applicant has amended each of claims 3, 5 and 19 to provide proper antecedent basis. Additionally, independent claim 1 has been amended as agreed to during the telephonic interview to include means plus function language providing the structure which connects the handle to the recited main body and for mounting the first pair of wheels to the main body. Therefore, it is believed that each of the pending claims now satisfy the requirements of § 112 and can be passed to issue.

CONCLUSION

In view of the above remarks, Applicant respectfully requests that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John V. Hanley
Registration No. 38,171

JVH/kst
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
104042.1

AMENDMENTS TO DRAWINGS

The attached drawing sheet includes changes to FIG. 8.